

40.6 SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS

Mr. LIVINGSTON submitted a privileged report (Rept. No. 104-71) on the bill (H.R. 1159) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 8 of rule XXI all points of order were reserved.

40.7 HOUSE OVERSIGHT REVIEW PANEL

The SPEAKER laid before the House the following communication, which was read as follows:

COMMITTEE ON HOUSE OVERSIGHT,
Washington, DC, March 3, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, The Capitol,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to House Rule 51, clause 7, I have appointed the Honorable Lincoln Diaz-Balart as chairman of, and the Honorable Robert W. Ney to serve on, the review panel established by that Rule for the 104th Congress.

Best regards,

BILL THOMAS,
Chairman.

40.8 MESSAGE FROM THE PRESIDENT—
FEDERAL RAILROAD SAFETY

The SPEAKER pro tempore, Mr. CUNNINGHAM, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I transmit herewith the 1993 annual report on the Administration of the Federal Railroad Safety Act of 1970, pursuant to section 211 of the Act (45 U.S.C. 440(a)).

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 8, 1995.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Transportation and Infrastructure.

40.9 MESSAGE FROM THE PRESIDENT—
TRADE POLICY AGENDA AND
AGREEMENTS PROGRAM

The SPEAKER pro tempore, Mr. CUNNINGHAM, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 1995 Trade Policy Agenda and 1994 Annual Report on the Trade Agreements Program.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 8, 1995.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means.

40.10 MESSAGE FROM THE PRESIDENT—
FEDERAL COUNCIL ON AGING

The SPEAKER pro tempore, Mr. CUNNINGHAM, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

In accordance with section 204(f) of the Older Americans Act of 1965, as amended (42 U.S.C. 3015(f)), I transmit herewith the Annual Report for 1994 of the Federal Council on the Aging. The report reflects the Council's views in its role of examining programs serving older Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 8, 1995.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Economic and Educational Opportunities.

40.11 FEDERAL SECURITIES LITIGATION
REFORM

The SPEAKER pro tempore, Mr. CUNNINGHAM, pursuant to House Resolution 105 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1058) to reform Federal securities litigation, and for other purposes.

Mr. COMBEST, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

40.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following substitute amendment submitted by Mr. COX for the amendment submitted by Ms. ESHOO:

Substitute amendment submitted by Mr. COX:

Page 18, beginning on line 2, strike "For example" and all that follows through line 5 and insert the following: "Deliberately refraining from taking steps to discover whether one's statements are false or misleading constitutes recklessness, but if the failure to investigate was not deliberate, such conduct shall not be considered to be reckless."

Amendment submitted by Ms. ESHOO:

Page 18, beginning on line 2, strike "For example, a defendant who genuinely forgot to disclose, or to whom disclosure did not come to mind, is not reckless."

It was decided in the affirmative
Yeas 252
Nays 173
Answered present 1

40.13 [Roll No. 210]

AYES—252

Allard	Boehert	Chabot
Archer	Boehner	Chambliss
Armey	Bonilla	Chenoweth
Bachus	Bono	Christensen
Baker (CA)	Brewster	Chrysler
Baker (LA)	Browder	Clinger
Ballenger	Brownback	Coble
Barr	Bryant (TN)	Coburn
Barrett (NE)	Bunn	Collins (GA)
Bartlett	Bunning	Combest
Barton	Burr	Condit
Bass	Burton	Cooley
Bateman	Buyer	Cox
Bereuter	Callahan	Cramer
Bilbray	Calvert	Crane
Bilirakis	Camp	Crapo
Bliley	Canady	Creameans
Blue	Castle	Cubin

Cunningham	Jacobs	Quinn
Davis	Johnson (CT)	Radanovich
Deal	Johnson, Sam	Ramstad
DeLay	Jones	Regula
Diaz-Balart	Kasich	Riggs
Dickey	Kelly	Roberts
Dooley	Kennedy (RI)	Roemer
Doolittle	Kim	Rogers
Dornan	King	Rohrabacher
Dreier	Kingston	Ros-Lehtinen
Dunn	Klug	Roth
Ehlers	Knollenberg	Roukema
Ehrlich	Kolbe	Royce
Emerson	LaHood	Salmon
English	Largent	Sanford
Ensign	Latham	Saxton
Everett	LaTourette	Scarborough
Ewing	Laughlin	Schaefer
Fawell	Lazio	Schiff
Fields (TX)	Leach	Seastrand
Flanagan	Lewis (CA)	Sensenbrenner
Foley	Lewis (KY)	Shadegg
Forbes	Lightfoot	Shaw
Fowler	Linder	Shays
Franks (CT)	Livingston	Shuster
Franks (NJ)	LoBiondo	Sisisky
Frelinghuysen	Longley	Skeen
Frisa	Lucas	Skelton
Frost	Manzullo	Smith (MI)
Funderburk	Martini	Smith (NJ)
Galleghy	McCollum	Smith (TX)
Ganske	McCrery	Smith (WA)
Gekas	McHugh	Solomon
Geren	McInnis	Souder
Gilchrest	McIntosh	Spence
Gillmor	McKeon	Stearns
Gilman	McNulty	Stenholm
Goodlatte	Menendez	Stockman
Goodling	Metcalf	Stump
Goss	Meyers	Talent
Graham	Mica	Tate
Greenwood	Miller (FL)	Tauzin
Gunderson	Minge	Taylor (NC)
Gutknecht	Molinari	Thomas
Hall (TX)	Montgomery	Thornberry
Hancock	Moorhead	Tiahrt
Hansen	Moran	Torkildsen
Harman	Morella	Upton
Hastert	Myers	Vucanovich
Hastings (WA)	Myrick	Waldholtz
Hayworth	Nethercutt	Walker
Hefley	Neumann	Walsh
Heineman	Ney	Wamp
Herger	Norwood	Watts (OK)
Hilleary	Nussle	Weldon (FL)
Hobson	Oxley	Weldon (PA)
Hoekstra	Packard	Weller
Hoke	Parker	White
Holden	Paxon	Whitfield
Horn	Peterson (MN)	Wicker
Hostettler	Petri	Wilson
Houghton	Pombo	Wolf
Hunter	Porter	Young (AK)
Hutchinson	Portman	Young (FL)
Hyde	Pryce	Zeliff
Inglis	Quillen	Zimmer

NOES—173

Ackerman	de la Garza	Gutierrez
Andrews	DeFazio	Hall (OH)
Baesler	DeLauro	Hamilton
Baldacci	Dellums	Hastings (FL)
Barcia	Deutsch	Hayes
Barrett (WI)	Dicks	Hefner
Becerra	Dingell	Hilliard
Beilenson	Dixon	Hinchey
Bentsen	Doggett	Hoyer
Berman	Doyle	Istook
Bevill	Duncan	Jackson-Lee
Bishop	Durbin	Jefferson
Bonior	Edwards	Johnson (SD)
Borski	Engel	Johnston
Boucher	Eshoo	Kanjorski
Brown (CA)	Evans	Kaptur
Brown (FL)	Farr	Kennedy (MA)
Brown (OH)	Fattah	Kennelly
Bryant (TX)	Fazio	Kildee
Cardin	Fields (LA)	Klecicka
Chapman	Filner	Klink
Clay	Flake	LaFalce
Clayton	Foglietta	Lantos
Clement	Ford	Levin
Clyburn	Fox	Lewis (GA)
Coleman	Frank (MA)	Lincoln
Collins (IL)	Furse	Lipinski
Collins (MI)	Gejdenson	Lofgren
Conyers	Gephardt	Luther
Costello	Gonzalez	Maloney
Coyne	Gordon	Manton
Danner	Green	Markey